

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of )  
 )  
Improving Public Safety Communications in the ) WT Docket No. 02-55  
800 MHz Band )  
 )  
Consolidating the 900 MHz Industrial/Land )  
Transportation and Business Pool Channels )

To: The Commission

**COMMENTS**

Aeronautical Radio, Inc. (“ARINC”), JPI Electronic Communications, Inc. (“JPI”), Intel Corporation (“Intel”), New York Communications Company (“NYCOMCO”), United Airlines, Inc. (“United”), Northwest Airlines, Inc. (“Northwest”), North Sight Communications, Inc. (“North Sight”), KLL Wireless, Inc. (“KLL”), G & P Communications (“G & P”), SR Communications Associates (“SRCA”), CNY, Inc. (“CNY”), Communications and Industrial Electronic Corporation (“CIEC”), Wecom, Inc. (“Wecom”), Ragan Communications, Inc. (“Ragan”), William J. Young (“Young”), Ka-Comm, Inc. (“Ka-Comm”), WS Electronics, Inc. (“WS”), Western Communications, Inc. (“Western”), Commtronics Of Virginia, Inc. (“Commtronics”), Motient Communications, Inc. (“Motient”), Palomar Communications (“Palomar”), Smartlink Communications (“Smartlink”), Pete’s Communications, Inc. (“Pete’s”), Skyline Communications, Inc. (“Skyline”) and Bell Interconnect, Inc. (“Bell”)(the “Joint Commenters”) hereby respectfully submit their Comments in

response to the September 6, 2002<sup>1</sup> and September 17, 2002 Public Notices issued by the Commission in the above-captioned proceeding.<sup>2</sup>

The Commission has requested additional Comment on the Consensus Plan, submitted by the Personal Communications Industry Association (“PCIA”), the Industrial Telecommunications Association (“ITA”), Nextel Communications, Inc. (“Nextel”) and others. In addition, the Commission encouraged comment on any other plans submitted during the Reply Comment cycle.

**A. The Consensus Plan**

The Joint Commenters submitted their views on the Consensus Plan (and its support of the proposal) during the Reply Comment stage of this proceeding. Thus, the Commission should refer to that document for the Joint Commenters’ detailed views. With regard to the Consensus Plan, the Joint Commenters wish to reiterate their position that all private wireless moves must be fully compensated by Nextel and/or other General Category EA Licensees that elect to swap their authorizations for NPSPAC spectrum.<sup>3</sup>

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<sup>1</sup>DA 02-2202.

<sup>2</sup>DA 02-2306.

<sup>3</sup>The Joint Commenters are intimately involved with Nextel in attempting to reach an agreement on a funding mechanism. Unfortunately, while all parties have been fully cooperative in the process, determining the actual costs in a band with thousands of licensees employing a variety of different types of systems makes the task long and laborious. The Joint Commenters

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expect to reach an agreement with Nextel as to the amount of funding and a mechanism sometime in mid-October.

The Joint Commenters are aware that the proposed allocation of 1.9 GHz spectrum to Nextel is troubling to Nextel's competitors. While the Joint Commenters believes that Nextel should address the competitive aspects to the request, the Joint Commenters want to state that, in their participation in drafting the Consensus Plan, it was abundantly clear that there must be "green space" in order to accomplish all of the following: (1) re-band 800 MHz; (2) minimize the interference potential; (3) obtain full compensation for re-tuning licensees; and allocate additional 800 MHz spectrum to public safety. Thus, while the Joint Commenters do not profess to be experts on utilization of the 1.9 GHz band, it would seem that the allocation of this unused spectrum, and unassigned to a specific licensee and immediately available, would be the most appropriate spectrum to accomplish the Commission's goals in this proceeding.

**B. The Motorola Proposal**

The Joint Commenters appreciate the efforts which Motorola has made in order to find a solution which will satisfy its various constituencies. However, the Joint Commenters cannot support the Motorola Proposal, because it does not solve interference problems for incumbent licensees.

Specifically, the Motorola Proposal: (1) does not provide "green space" to facilitate relocation; (2) is more costly than the Consensus Proposal, as well as not providing a funding mechanism; (3) lacks a "guard band" to adequately protect public safety and critical systems from interference; and (4) does not provide additional 800 MHz spectrum to public safety.

A cornerstone of the Joint Commenters' position is that, while interference from Nextel may be eliminated or minimized, the Commission cannot permit the same technological situation to re-occur within the band, albeit with a different entity being the causation. The Joint Commenters

believe that Motorola's recommendation will ultimately lead to the same problems which exist today, and therefore the Joint Commenters cannot support the concept.

**C. 700 MHz Proposals**

The Joint Commenters are aware that some parties continue to push for moving public safety and in some plans private wireless licensees to 700 MHz. However, the Joint Commenters have not seen any of the proponents of a 700 MHz "solution" respond to or address the concerns expressed by the Joint Commenters in our Reply Comments. The issues: (1) spectrum availability; (2) increased interference to private wireless systems; (3) increased cost of equipment; and (4) the most expensive re-banding, make this "solution" the worst possible outcome for anyone other than Nextel's competitors. However, the impact on the Joint Commenters would be enormous.

### **III. CONCLUSION**

WHEREFORE, the premises considered, it is respectfully requested that the Commission act in accordance with the views expressed herein.

Respectfully submitted,

PALOMAR COMMUNICATIONS  
RAGAN COMMUNICATIONS, INC.  
BELL INTERCONNECT, INC.  
SKYLINE COMMUNICATIONS, INC.  
MOTIENT COMMUNICATIONS, INC.  
COMMTRONICS OF VIRGINIA, INC.  
WESTERN COMMUNICATIONS, INC.  
WS ELECTRONICS, INC.  
G & P COMMUNICATIONS  
KLL WIRELESS, INC.  
CNY, INC.  
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NORTH SIGHT COMMUNICATIONS, INC.  
JPJ ELECTRONIC COMMUNICATIONS, INC.  
PETE'S COMMUNICATIONS, INC.  
INTEL CORPORATION  
NEW YORK COMMUNICATIONS COMPANY  
SR COMMUNICATIONS ASSOCIATES  
COMMUNICATIONS AND INDUSTRIAL  
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